IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 11931 of 2007(U)

PETITIONER:

JAISON P.JACOB, HSST ENGLISH NOW
WORKING AT EMMANUEL'S HIGHER SECONDARY
SCHOOL, KOTHANALLOOR, KOTTAYAM DISTRICT.

BY ADV. SRI.M.RAMASWAMY PILLAI
SRI.P.M.JOSEPH

RESPONDENTS:

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1. SECRETARY TO GOVERNMENT,
GENERAL EDUCATION, SECRETARIAT,
TRIVANDRUM.

2. DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDING,
SANTHINAGAR, TRIVANDRUM.

3. REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION, EDAPPALLY,
ERNAKULAM DISTRICT.

BY SENIOR GOVERNMENT PLEADER, SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 11931/2007(U)

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE APPROVAL OF APPOINTMENT ORDER NO.C2/2940/HSE/99 DT. 8.7.99 ISSUED BY THE 2ND RESPONDENT.

EXT. P2: COPY OF THE PROCEEDINGS ISSUED BY THE 2ND RESPONDENT NO.ACD. B4-17901/HSE/2001 DT.4.6.2002.

EXT. P3: COPY OF ORDER NO.ACD.B4/17901/HSE/2001 AND THE TIME GRANTED FOR ACQUIRING B.E.D HAS BEEN ENTITLED TILL 18.8.2004.

EXT. P4: COPY OF THE M.A. DEGREE CERTIFICATE ISSUED TO THE PETITIONER BY THE M.G.UNIVERSITY MAY JUNME 1993 AND MARK LIST DT. 28.7.95

EXT. P5: COPY OF THE PETITIONER HAS ALSO ACQUIRED M.PHIL IN 1994 WITH A GRADE DATED 18.1.97.

EXT. P6: COPY OF THE CERTIFICATE U.G.C. NET IN THE YEAR 1997 ISSUED BY UGC DTD. 29.1.98.

EXT. P7: COPY OF THE B.ED DEGREE CERTIFICATE ISSUED BY THE IGNOU, DECEMBER 2004.

EXT. P8: COPY OF THE GOVERNMENT ORDER DATED 6.1.05 PASSED BY THE 1ST RESPONDENT EXTENDING THE TIME FOR PASSING THE B.ED DEGREE EXAMINATION BY 2 YEARS TO THE HIGHER SECONDARY SCHOOL TEACHERS.

EXT. P9: COPY OF THE LETTER DATED 26.6.06 ISSUED BY THE MANAGER CORPORATE EDUCATIONAL AGENCY DIOCESE OF PALA TO THE 3RD RESPONDENT.

EXT. P10: COPY OF THE PETITIONO HEREWITH PRODUCED THE EQUIVALENCY CERTIFICATE TO THE B.ED ISSUED BY THE M.G. UNIVERSITY DT. 4.3.06.

EXT. P11: COPY OF THE CERTIFICATE TO THAT EFFECT ISSUED BY THE UNIVERSITY OF KERALA DTD. 28.6.06.

EXT. P12: COPY OF THE CERTIFICATE TO THAT EFFECT ISSUED BY THE UNIVERSITY OF CALICUT DTD.22/11/02.

EXT. P13: COPY OF THE ORDER DATED 22.06.2002 ISSUED BY M.G. UNIVERSITY DTD. NIL.

EXT. P14: COPY OF THE CERTIFICATE ISSUEDBY KANNUR UNIVERSITY DTD. 26.4.05.

EXT. P15: COPY OF THE ORDER DATED 10.02.1993 ISSUED BY THE COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY.

EXT. P16: COPY OF THE CIRCULAR DATED 07.05.2005 ISSUED BY THE GOVT.

EXT. P17: COPY OF THE LETTER DATED 30.04.2005 ISSUED BY THE GOVT.

EXT. P18: COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT DATED 29.8.2006.

EXT. P19: COPY OF THE REPRESENTATION BY THE PETITIONER BEFORE 1ST RESPONDENT DT. 7/11/06.

EXT. P20: COPY OF THE JUDGMENT IN W.P.(C) NO.26824/2006 HON'BLE HIGH COURT OF KERALA DTD. 19.10.06.

/TRUE COPY/

P.A. TO JUDGE

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S.SIRI JAGAN, J.

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W.P.(C) No. 11931 of 2007

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Dated this the 10th day of December, 2007

JUDGMENT

The petitioner was appointed as a HSST, English in an aided Higher Secondary School. His appointment was provisionally approved subject to his acquiring B.Ed qualification. Petitioner obtained B.Ed degree through Distance Education from the Indira Gandhi National Open University. In spite of the same the petitioner's service is not regularised by the respondents, is the grievance of the petitioner in this writ petition. The petitioner's contention is that the issue is squarely covered by the decision of the Division Bench in **State of Kerala and Another v. Suja Kumari and Another** (2006 (1) ILR 431).

2. The learned Government Pleader submits that SLP against that judgment is pending before the Supreme Court. He also contends that in view of the fact that the special rules specifically require that the B.Ed degree should be one obtained

after undergoing a regular course of study and therefore B.Ed obtained through Distance Education cannot be considered as valid qualification. In the decision referred to above the very same special rules were considered and the Division Bench held that B.Ed degree obtained through Distance Education is also valid qualification for the post. In the above circumstances, the petitioner is entitled to succeed in this writ petition. Accordingly, I allow this writ petition, quash Ext.P18 and direct the respondents to regularise the appointment of the petitioner as Higher Secondary School Teacher accepting the B.Ed degree obtained by him from the Indira Gandhi National Open University as valid qualification for the purpose. Orders in this regard shall be issued by the 2nd respondent within one month from the date of receipt of a copy of this judgment.

S.SIRI JAGAN,
JUDGE

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